



Federal Communications Commission  
Washington, D.C. 20554

September 30, 2005

RM-10755

Charles Crawford  
4553 Bordeaux Avenue  
Dallas, Texas 75205

DOCKET FILE COPY ORIGINAL

Dear Mr. Crawford:

This letter is in reference to a petition for rule making you filed requesting the allotment of Channel 228A at Wetumka, Oklahoma, as its first local service. To accommodate this allotment, you requested the substitution of Channel 224A for vacant Channel 228A at Stuart, Oklahoma; the relocation of reference coordinates of vacant Channel 224C2 at Blossom, Texas; and the reclassification of FM Station KBEZ, Channel 225C, Tulsa, Oklahoma and FM Station KOMA, Channel 223C, Oklahoma City, Oklahoma, to specify operation as C0 facilities.

In accordance to the *Second Report and Order* in MM Docket No. 98-93<sup>1</sup>, and as set forth in Section 1.420(g), note 2, and Section 73.3574, note 4 of the Commission's rules, FM Stations KBEZ and KOMA are subject to reclassification as Class C0 facilities because the stations are operating below minimum Class C standards. As a result, an *Order to Show Cause*<sup>2</sup> was issued on October 15, 2004, affording the licensee an opportunity to show why the respective licenses should not be modified to Class C0 facilities. Rend Broadcasting Corporation of Nevada, licensee of FM Stations KBEZ and KOMA, filed comments in response to the *Order* stating its intention to file a minor change construction permit application to increase the antenna height for both stations above 451 meters HAAT within 180 days of November 29, 2004, the comment deadline of the *Order*. An acceptable construction permit application was filed on May 31, 2005, for FM Stations KBEZ and KOMA to increase the antenna height above 451 meters HAAT.<sup>3</sup> Therefore, pursuant to Section 1.420(g), note 2 of the Commission's Rules, your petition proposing the allotment of Channel 228A to Wetumka, Oklahoma is hereby dismissed.

As noted in the *Order*, the present three-year construction period will be applicable under this reclassification procedure. If the construction is not completed as authorized, FM Stations KBEZ and KOMA are subject to reclassification automatically as Class C0 stations, and, in that event, a new petition for rule making to allot Channel 228A at Wetumka may be filed.

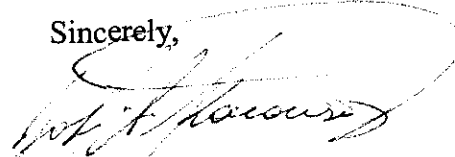
<sup>1</sup> See 1998 Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 15 FCC Rcd 21649 (2000).

<sup>2</sup> Reclassification of License of FM Station KBEZ, Tulsa, Oklahoma and FM Station KOMA, Oklahoma City, Oklahoma, 19 FCC Rcd 19708 (MB 2004) ("Order").

<sup>3</sup> See File Nos. BPH-20050531BKV and BPH-20050531ANM.

In light of the above, we are returning your petition for rule making for Channel 228A at Wetumka, Oklahoma.

Sincerely,

A handwritten signature in cursive script, appearing to read "John A. Karousos", written over a faint circular stamp or seal.

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

Enclosure